

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DEC 13 2010

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

JACOB D. PEYTON,
Plaintiff,

v.

BRYAN WATSON, et al.,
Defendants.

) Civil Action No. 7:09-cv-00492
)
)

) **ORDER**
)

) By: Hon. Jackson L. Kiser
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that plaintiff's motion for reconsideration (no. 39) is **DENIED**; defendants' motion for summary judgment (no. 21) is **GRANTED in part** and **DENIED in part**: it is denied as to plaintiff's claim of excessive force against Carico and Robinson and granted as to plaintiff's remaining claims; Scarberry, Watson, Harvey, and C/O Roberts are **TERMINATED** as defendants; and the Clerk shall **UPDATE** the caption and **SET** this matter for trial.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff and counsel of record for the defendants.

ENTER: This 13th day of December, 2010.

Jackson L. Kiser
Senior United States District Judge